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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 23.08.2022***

+ **W.P.(C) 49/2022 & CM.APPL.88-89/2022**

CONSTABLE DEVENDER KUMAR Petitioner

Through: Ms. Sumita Hazarika and Mr.
Mayank Yadav, Advocates

versus

UNION OF INDIA & ORS. Respondents

Through: Ms. Anju Gupta and Mr. Roshan Lal
Goel, Advocates

CORAM:
HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

1. Vide the present writ petition, petitioner is seeking following reliefs:

“A. Pass an appropriate writ, direction or order quashing and setting aside the orders dated 8.6.2020 and 20.11.2020 passed by the Respondents whereby the Petitioner’s plea for ACP promotion was rejected;

B. Pass an appropriate writ, direction or order directing the Respondents to grant ACP promotion to the Petitioner w.e.f. 2003;

C. Pass an appropriate writ, direction or order directing the Respondents to consider the case of the Petitioner for ACP promotion by referring the same to the constituted committee;

D. Pass an appropriate writ, direction or order directing the Respondents that in case the Petitioner is found fit, his



pay ought to be fixed after granting him ACP promotion on notional basis from 2003;

E. Pass an appropriate writ, direction or order directing the Respondents to fix the arrears arising out of such fixation to be calculated and paid to the Petitioner as under.

i) From 2003 on notional basis. Increment accrued therein shall be added every year on notional basis.

ii) From 2018, the financial upgradation shall be on actual basis and the arrears arising out of such financial upgradation become due and payable to the Petitioner;

D. Pass an appropriate writ, direction or order directing the Petitioner to make up for the difference of Rs.1,50,000/- in the GPF account of the Petitioner showing a balance of Rs.3,93,637/-.

E. Pass an appropriate writ, direction or order directing the Respondent CRPF to grant appropriate compensation for the inordinate and unexplained delay in settling the Petitioner's pension and retirement dues for more than one and a half years;

F. Pass such other and further orders as this Hon'ble Court deems fit and proper in the interest of justice. “

2. After some arguments, learned counsel for petitioner seeks permission to withdraw the present petition with liberty to make a representation for the aforesaid relief(s) before the respondents and a direction to the respondents for deciding the same in a time-bound manner.

3. In view of above, the present petition is dismissed as withdrawn with the liberty to make a representation to the respondents within four weeks. On receipt of the same, the respondents are directed to decide the said representation within four weeks thereafter and communicate the decision thereof to petitioner in writing within one week thereafter.

4. Needless to say, if the petitioner still feels aggrieved by the decision



to be taken on the representation by the respondents, he may challenge the same before appropriate forum.

5. Pending applications stand disposed of.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

AUGUST 23, 2022/rk

